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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Angela WENTLING et al.

Serial No.: 10/824,454

Filed: April 14, 2004

For: **CONTINUOUS FLOW PERITONEAL
DIALYSIS CATHETER**

:
:
: Group Art Unit: 3763
:
: Examiner: Sharon Kennedy
:
: Attorney Docket No:
: MED-0004C1

TERMINAL DISCLAIMER

Enclosed please find a "Terminal Disclaimer to Obviate a Double Patenting Rejection over a 'Prior' Patent" to overcome a double patenting rejection cited in the September 24, 2004 Office Action.

Please charge Deposit Account 502434 the \$110.00 fee for filing the terminal disclaimer. Please also charge Deposit Account 502343 for any other fees associated with the present filing. A copy of this sheet is enclosed for accounting purposes.

Angela WENTLING et al.

1 OCT 2004
(Date)

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**TERMINAL DISCLAIMER TO OBLIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
MED-0004C1

In re Application of: Angela Wentling et al.

Application No.: 10/824,454

Filed: 04/14/2004

For: Continuous Flow Peritoneal Dialysis Catheter

The owner*, Medical Components, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,749,580 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

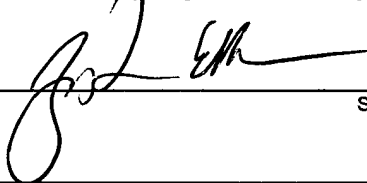
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 41,964



Signature

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Date

Joseph E. Maenner

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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